

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201909309	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 10/24/2019 2:10 PM, Thursday, 10/24/2019 3:00 PM	Location of Incident: In front of 615 Miller Avenue, 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 4/24/2021	EO SOL 12/9/2021	
Date/Time CV Reported Fri, 10/25/2019 10:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/25/2019 10:33 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Korey Brierre	17622	960278	075 PCT
2. An officer			075 PCT
3. POM Jean Prinston	08067	954245	075 PCT
4. POM Keon Lawson	09225	963602	075 PCT
5. SGT Jose Deschamps	02706	931631	PBQ/N
6. SGT Michael Hansson	02972	949084	075 PCT
7. POM Joseph Howard	17787	960683	075 PCT
8. LT Dion Hinds	00000	936771	075 PCT
9. POM Neil Narayan	19284	966239	075 PCT
10. Officers			075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kristen Perkins	07214	951044	075 PCT
2. POM Stephan Carr	02540	948751	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jose Deschamps	Abuse: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps stopped § 87(2)(b)	
B.POM Korey Brierre	Abuse: In front of 615 Miller Avenue in Brooklyn, Police Officer Korey Brierre stopped § 87(2)(b)	
C.SGT Jose Deschamps	Abuse: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps threatened to issue a summons to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.SGT Jose Deschamps	Force: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps used physical force against § 87(2)(b)	
E.POM Jean Prinston	Force: In front of 615 Miller Avenue in Brooklyn, Police Officer Jean Prinston used physical force against § 87(2)(b)	
F.POM Korey Brierre	Force: In front of 615 Miller Avenue in Brooklyn, Police Officer Korey Brierre used physical force against § 87(2)(b)	
G.SGT Jose Deschamps	Abuse: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps detained § 87(2)(b)	
H.SGT Jose Deschamps	Discourtesy: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps spoke discourteously to § 87(2)(b)	
I. Officers	Force: Inside the 75th Precinct stationhouse, officers used physical force against § 87(2)(b)	
J.LT Dion Hinds	Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds used physical force against § 87(2)(b)	
K.LT Dion Hinds	Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds hit § 87(2)(b) against a wall.	
L.LT Dion Hinds	Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds used physical force against § 87(2)(b)	
M.SGT Michael Hansson	Force: At the 75th Precinct stationhouse, Sergeant Michael Hansson used physical force against § 87(2)(b)	
N.POM Korey Brierre	Force: Inside the 75th Precinct stationhouse, Police Officer Korey Brierre used physical force against § 87(2)(b)	
O.POM Joseph Howard	Force: At the 75th Precinct stationhouse, Police Officer Joseph Howard used physical force against § 87(2)(b)	
P. An officer	Force: Inside the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
Q.LT Dion Hinds	Force: Lieutenant Dion Hinds hit § 87(2)(b) against the ground.	
R.POM Neil Narayan	Force: Outside of the 75th Precinct stationhouse, Police Officer Neil Narayan used physical force against § 87(2)(b)	
S.POM Keon Lawson	Abuse: Outside the 75th Precinct stationhouse, Police Officer Keon Lawson threatened to arrest § 87(2)(b)	
T.POM Keon Lawson	Abuse: Inside the 75th Precinct stationhouse, an officer threatened to arrest § 87(2)(b)	
U.LT Dion Hinds	Discourtesy: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds spoke discourteously to § 87(2)(b)	
V.LT Dion Hinds	Off. Language: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
W.LT Dion Hinds	Discourtesy: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds spoke discourteously to § 87(2)(b)	
X. An officer	Discourtesy: Outside the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
Y. An officer	Abuse: Inside the 75th Precinct stationhouse, an officer threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 25, 2019, § 87(2)(b) filed this complaint over the phone with the CCRB.

On October 24, 2019, at approximately 2:10 p.m., in front of 615 Miller Avenue in Brooklyn, § 87(2)(b) and several unidentified other individuals were standing at the corner drinking non-alcoholic beverages. Sgt. Jose Deschamps and PO Korey Brierre of the 75th Precinct approached the group and requested identification from § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). When speaking with § 87(2)(b) Sgt. Deschamps threatened to issue him a summons (**Allegation C: Abuse of Authority, § 87(2)(g)**). PO Jean Prinston of the 75th Precinct also arrived. As the officers began to leave, § 87(2)(b) threw a cup on the ground, and Sgt. Deschamps, PO Brierre, and PO Prinston used force against § 87(2)(b) (**Allegations D-F: Force, § 87(2)(g)**). Sgt. Deschamps detained § 87(2)(b) (**Allegation G: Abuse of Authority, § 87(2)(g)**). As the officers left, Sgt. Deschamps stated to an unidentified individual, “Throwing the fucking cup on the floor. That’s what she’s getting locked up for” (**Allegation H: Discourtesy, § 87(2)(g)**). Officers transported § 87(2)(b) to the 75th Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) traveled to the 75th Precinct stationhouse. Inside the stationhouse, after a brief exchange, Lieutenant Dion Hinds began speaking with § 87(2)(b) as this occurred, numerous officers from the 75th Precinct entered the lobby. When they entered the lobby, officers used force against § 87(2)(b) (**Allegation I: Force, § 87(2)(g)**). Lieutenant Hinds pushed § 87(2)(b) out of the lobby (**Allegation J: Force, § 87(2)(g)**). Lieutenant Hinds pushed § 87(2)(b) against a wall (**Allegation K: Force, § 87(2)(g)**). Lieutenant Hinds punched § 87(2)(b) (**Allegation L: Force, § 87(2)(g)**). Sgt. Michael Hansson, PO Brierre, PO Joseph Howard all took part in bringing § 87(2)(b) down after he engaged with Lieutenant Hinds. In the course of the takedown, § 87(2)(b) alleged officers punched and kicked him (**Allegations M-O: Force, § 87(2)(g)**). An officer struck § 87(2)(b) in the face (**Allegation P: Force, § 87(2)(g)**). Lieutenant Hinds hit § 87(2)(b) against the ground (**Allegation Q: Force, § 87(2)(g)**).

After § 87(2)(b) was taken to the ground, § 87(2)(b) and § 87(2)(b) now outside the precinct, spoke with PO Keon Lawson and PO Neil Narayan of the 75th Precinct and Lieutenant Hinds. Outside the stationhouse, PO Narayan pushed § 87(2)(b) (**Allegation R: Force, § 87(2)(g)**). PO Lawson threatened to arrest § 87(2)(b) (**Allegation S: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) re-entered the stationhouse, inside the stationhouse, PO Lawson threatened to arrest her (**Allegation T: Abuse of Authority, § 87(2)(g)**). Inside the stationhouse, Lieutenant Hinds told § 87(2)(b) “I don’t give a fuck” (**Allegation U: Discourtesy, § 87(2)(g)**). As officers took § 87(2)(b) away, Lieutenant Hinds stated, “Shut up, bitch,” to § 87(2)(b) (**Allegation V: Offensive Language, § 87(2)(g)**). (**Allegation W: Discourteous Language, § 87(2)(g)**). Inside the 75th Precinct stationhouse, an officer who § 87(2)(b) did not recall entered a room and stated to her, in the course of a conversation, “That was a dumbass move” (**Allegation X: Discourtesy, § 87(2)(g)**). As § 87(2)(b) left the stationhouse, an officer told § 87(2)(b) that, “If I ever catch your daughter so much as screaming in the street, she’s going to be arrested” (**Allegation Y: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was arrested as a result of this incident and charged with § 87(2)(b).

The investigation recovered BWC footage (BR08-BR17, summarized BR45-BR55), stationhouse footage (BR34, 40-42, summarized BR57-BR59), and civilian video footage (BR28-29).

Findings and Recommendations

Allegation (A) Abuse of Authority: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps stopped § 87(2)(b)

Allegation (B) Abuse of Authority: In front of 615 Miller Avenue in Brooklyn, Police Officer Korey Brierre stopped § 87(2)(b)

§ 87(2)(b) who was § 87(2)(b) at the time of incident, testified to the CCRB that she stood at the corner of Livonia Avenue and Miller Avenue with several of her friends, include § 87(2)(b). They were drinking opaque, non-alcoholic beverages from opaque blue plastic cups. § 87(2)(b) affirmed that § 87(2)(b) whom she referred to as “§ 87(2)(b)” in her testimony to the CCRB, initially had a cup. However, he placed his cup on top of a car and the cup fell to the ground. Sgt. Deschamps and PO Brierre approached § 87(2)(b) and the others, and requested ID from § 87(2)(b). After briefly examining his ID, the officers returned § 87(2)(b)'s ID to him. The officers did not issue a summons to § 87(2)(b) (BR02).

In his testimony to the CCRB (BR05), Sgt. Deschamps stated that he and PO Brierre observed a group of four individuals with blue plastic cups on their hand and listening to music. Each of the individuals had cups in their hands. Sgt. Deschamps decided to approach the group of individuals because they were “probably drinking” alcohol. Sgt. Deschamps stated that he believed they were probably drinking alcohol because they had cups in their hands and were congregating around a car. Sgt. Deschamps crossed the street to approach the group and saw that § 87(2)(b) did not have a cup in his hand anymore. There was a cup on the ground approximately two feet away from § 87(2)(b). The cup was empty. Sgt. Deschamps did not see what § 87(2)(b) did with the cup as the car blocked his view. When Sgt. Deschamps and PO Brierre approached the group, there was no indication that anyone in the group was intoxicated and Sgt. Deschamps did not smell any alcohol. Sgt. Deschamps did not observe the content of the plastic cups. Sgt. Deschamps believed that he had probable cause to believe that § 87(2)(b) had littered because there were four individuals with cups in their hands, then the next time he looked, § 87(2)(b) had no cup in his hand. Sgt. Deschamps “assumed” that § 87(2)(b) had dropped the cup and therefore littered. Immediately upon approach, Sergeant Deschamps asked § 87(2)(b) why he had dropped the cup on the ground and asked § 87(2)(b) for his identification. § 87(2)(b) initially balked at providing his identification, and argued that he had not dropped the cup on the ground. Sgt. Deschamps informed § 87(2)(b) that if he provided his identification and if a check showed that he had no open warrants, then § 87(2)(b) would be on his way without receiving a ticket. Sgt. Deschamps opted not to issue § 87(2)(b) a summons for littering because he was not there to issue summonses; instead, he was there in regards to burglaries. However, if § 87(2)(b) had any open warrants, then he would have taken him back to the precinct stationhouse to issue him a summons for littering.

§ 87(2)(g)

§ 87(2)(b). PO Brierre added it was both PO Brierre and Sgt. Deschamps’ decision to approach this group of individuals and ask what they were doing. PO Brierre did not remember having any conversation with Sgt. Deschamps prior to approaching this group of individuals. There was no

reason no approach this group apart from the fact that they were drinking from plastic cups. § 87(2)(b) had a plastic cup in his hand when PO Brierre first observed him from a block away. When PO Brierre crossed the street and approached the group of individuals, the cup in § 87(2)(b)'s hand was gone. PO Brierre believed that § 87(2)(b) had possibly disposed of the cup when he saw PO Brierre and Sgt. Deschamps approaching. PO Brierre did not see what § 87(2)(b) did with the cup that was previously in his hands. PO Brierre approached § 87(2)(b) and asked him what happened with the cup. There was no other reason, apart from this missing cup, that PO Brierre approached § 87(2)(b) (BR04).

§ 87(2)(g)

It is not disputed that, as reported by Sgt. Deschamps, § 87(2)(b) was initially in possession of a cup and that the same cup was found to be on the ground in the immediate vicinity of § 87(2)(b) when the officers approached.

New York City Administrative Code, Section 16-118 governing littering states: “No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, park, or alley” (BR36).

People v. DeBour, 40 NY 2d 210, establishes four levels for street encounters, each with accompanying factors that, in escalating terms, allow a police officer to perform increasingly intrusive and accusatory activity. These levels are based upon an objectively credible reason, a founded suspicion of criminality, a reasonable suspicion of criminality, and probable cause to arrest. When an officer has a reasonable suspicion an individual has committed, is planning to commit, or is committing a crime, an officer may forcibly stop that individual (BR37).

In People v. Kenyatta, 42 Misc. 3d 1201(A) (BR67), the court applied DeBour to determine that an officer was justified in approaching a defendant to question the defendant and asking questions regarding suspected consumption of alcohol in public. The Court wrote, “Level two of DeBour authorizes a common law inquiry when there is “a founded suspicion that criminal activity is afoot.” According to the undisputed testimony in Kenyatta, an officer observed a defendant drinking from a cup in a way that, according to the officer, was indicative of drinking an alcoholic beverage, and so stopped his vehicle. The defendant then set the cup down on the ground and continued walking. At this point, the officer had a “founded suspicion that criminality was afoot,” and was justified in stopping the defendant and asking, “What is in the cup?”

§ 87(2)(g)

Allegation (C) Abuse of Authority: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps threatened to issue a summons to § 87(2)(b)

Sgt. Deschamps’ BWC footage, at 14:11:07, shows PO Brierre handing § 87(2)(b) back his ID. Sgt. Deschamps tells § 87(2)(b) “That’s it.” § 87(2)(b) says, “No, no, no, no, no, no.” A woman in a blue tank top opens the door of a nearby building and appears to observe the

interaction. Sgt. Deschamps says, “You want a ticket now? You want a ticket now?” This comment was made to an unidentified individual on scene. § 87(2)(b) continues repeating, “no” (BR06).

When Sgt. Deschamps and PO Brierre approached this group of individuals, Sgt. Deschamps asked § 87(2)(b) why he had dropped the cup. § 87(2)(b) stated that he did not drop the cup. § 87(2)(b) also told Sgt. Deschamps that § 87(2)(b) did not drop the cup and that another male had grabbed the cup from him and threw it on the ground. After reviewing his BWC video, Sgt. Deschamps acknowledged the statement, ““You want a ticket now? You want a ticket now?” was in reference to a summons for littering, which he could have issued § 87(2)(b) (BR05).

NYPD Patrol Guide Section 209-11 states that uniformed members may issue summonses for violations and non-Penal Law misdemeanors, so long as they are personally observed (BR43).

In People v. Kenyatta, 42 Misc. 3d 1201 (Board Review 67), the courts examined a case where officers arrested a defendant who consumed alcohol in public and placed a cup containing alcohol on the ground. The courts determined that the officer in Kenyatta had probable cause to believe that the offenses had occurred because the criminality was observed by the officer.

§ 87(2)(g)
[REDACTED]

Allegation (D) Force: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps used physical force against § 87(2)(b)

Allegation (E) Force: In front of 615 Miller Avenue in Brooklyn, Police Officer Jean Prinston used physical force against § 87(2)(b)

Allegation (F) Force: In front of 615 Miller Avenue in Brooklyn, Police Officer Korey Brierre used physical force against § 87(2)(b)

Allegation (G) Abuse of Authority: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps detained § 87(2)(b)

In her testimony to the CCRB, § 87(2)(b) stated that after the interaction regarding § 87(2)(b)'s cup, she told officers, “Y’all are just really annoying” and threw her empty cup on the ground. § 87(2)(b) did not throw the cup at anyone and the cup did not land near anyone’s feet. The officers stared at § 87(2)(b) for a second and she took a few steps forward because she intended to run away. An officer – § 87(2)(b) did not know which one – grabbed the hood of § 87(2)(b)'s hooded sweatshirt, which was over her head, and pulled it tightly so § 87(2)(b) could not move. All of the male officers then grabbed her upper body and slammed her chest against the gate of a nearby building. § 87(2)(b) twisted her body and braced herself by putting her arms in front of her body. § 87(2)(b) felt officers grab her arms and place them behind her back. The officers were stronger than § 87(2)(b) so she gave up resisting. When the officers placed her arms behind her

back, they pushed her against a pole and handcuffed her. The officers did not issue her any instructions during this physical interaction (BR02). After placing her in handcuffs, officers transported § 87(2)(b) to the 75th Precinct stationhouse; she was ultimately released without being summonsed or arrested.

In his CCRB testimony (BR05), Sgt. Deschamps testified that when the officers grabbed § 87(2)(b), § 87(2)(b) then grabbed § 87(2)(b)'s other arm and told the officers to not take her. Sgt. Deschamps told § 87(2)(b) to let § 87(2)(b) go. PO Perkins and PO Brierre were also physically interacting with § 87(2)(b) in an attempt to handcuff her. § 87(2)(b)'s chest ended up against the wall of a building because § 87(2)(b) was pulling § 87(2)(b) in one direction while the officers were trying to handcuff her. Sgt. Deschamps did not push § 87(2)(b) against the wall. § 87(2)(b) never made contact with any pole. Sgt. Deschamps never employed a forcible takedown against § 87(2)(b). § 87(2)(b) was never taken to the ground. Sgt. Deschamps did not recall himself or any other officer issuing § 87(2)(b) any instructions while they were attempting to handcuff her. Sgt. Deschamps did not know who ended up handcuffing § 87(2)(b). It took a maximum of fifteen seconds to handcuff § 87(2)(b). Aside from grabbing § 87(2)(b) and placing her against the wall, Sgt. Deschamps did not use any other physical force against § 87(2)(b). Sgt. Deschamps stated that § 87(2)(b) was arrested for § 87(2)(b).

PO Brierre testified that he and Sgt. Deschamps began walking away from the group. As they walked away, § 87(2)(b) was screaming at the officers, although PO Brierre could not recall what she was saying. PO Brierre turned around and § 87(2)(b) threw a cup in the direction of the officers. The cup landed a few feet in front of § 87(2)(b). PO Brierre and the other officers who were present, grabbed § 87(2)(b)'s hands. § 87(2)(b) was angry, which she expressed by not providing her hands to the officers. It took approximately ten to twenty seconds for officers to secure § 87(2)(b) in handcuffs. PO Brierre did not grab or touch any part of § 87(2)(b) except for her hands, he did not state what he did with her hands once he grabbed them. PO Brierre did not push § 87(2)(b) at any point and did not see any other officer push her. PO Brierre did not remember § 87(2)(b) ever being against the wall. PO Brierre did not see any officer push § 87(2)(b) against a wall. § 87(2)(b) was never on the floor. PO Brierre never employed a forcible takedown against § 87(2)(b) (BR04).

At 14:13:36 time stamp in his BWC footage, Sgt. Deschamps turns around and starts running back toward the group of civilians. Sgt. Deschamps grabs § 87(2)(b)'s left arm while PO Perkins grabs § 87(2)(b)'s right arm and puts the arm behind her back. § 87(2)(b) comes up to the officers and grabs § 87(2)(b)'s upper left arm. While § 87(2)(b) is depicted in the vicinity of a wall, she is not depicted making contact with the wall. Additionally, while she is depicted wearing a hooded sweatshirt, the hood of the sweatshirt is up during her initial flight from officers and appears to be off of her head at the time officers make physical contact with her (BR10).

In PO Brierre's BWC footage, at 14:13:27, PO Brierre turns around and faces the group of civilians. Sgt. Deschamps is running toward them. PO Brierre begins running as well. Sgt. Deschamps, PO Perkins, and PO Princeton make physical contact with § 87(2)(b) but the footage does not clearly depict the physical contact (BR09).

Likewise, PO Perkins' BWC footage depicts the apprehension of § 87(2)(b) but only clearly depicts officers' grabbing § 87(2)(b)'s arms (BR11).

Because § 87(2)(b) was a juvenile at the time of incident, the investigation could not obtain

documentation connected with her apprehension.

NYPD Patrol Guide 221-01 (BR68) governs NYPD use of force. It states: “Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. All members of the service at a police incident must use reasonable force, employ less lethal alternatives, and prioritize de-escalation, whenever possible.” The guideline goes on to note that “When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of the service should consider the following:

- a) The nature and severity of the crime/circumstances,
- b) Actions taken by the subject [of the force],
- c) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- d) Whether the subject is actively resisting custody,
- e) Whether the subject is attempting to evade arrest by flight,
- f) Number of subjects in comparison to the number of members of service,
- g) Size, age, and condition of the subject in comparison to the member of service,
- h) Subject's violent history, if known,
- i) Presence of hostile crowd or agitators,
- j) Subject apparently under the influence of a stimulant / narcotic which would affect pain tolerance or increase the likelihood of violence

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Discourtesy: In front of 615 Miller Avenue in Brooklyn, Sergeant Jose Deschamps spoke discourteously to an individual.

Sgt. Deschamps BWC captures an interaction where he speaks with an unidentified individual after officers placed § 87(2)(b) in handcuffs. At time stamp 14:14:02 in the video, an unidentified male in a white shirt asks Sgt. Deschamps, “What’s she getting locked up for?” Sgt. Deschamps responds, “Throwing the fucking cup on the floor. That’s what she’s getting locked up for. Dis con [Disorderly conduct]. Yes” (BR10).

In Sgt. Deschamps’ testimony to the CCRB, Sgt. Deschamps acknowledged saying, “She threw the fucking cup on the floor.” Sgt. Deschamps stated that he said this in the heat of the moment and because he was very upset (BR05).

NYPD Patrol Guide Procedure 200-02 states that officers must render their services with courtesy and civility (BR35).

DCT Case 2013-10143 states that although officers have an obligation to remain professional and courteous in their interactions with civilians, there are exceptions that mitigate officers’ culpability for discourteous statements, including situations of heightened danger or risk to themselves or other civilians, situations that are highly stressful, or when the profanity is used to gain compliance (BR44).

§ 87(2)(g)

[REDACTED]

Allegation (I) Force: Inside the 75th Precinct stationhouse, officers used physical force against

§ 87(2)(b)

§ 87(2)(b) testified that inside the 75th Precinct stationhouse, after some conversation with police officers, § 87(2)(b) quietly said, “Oh my God, here we go with this bullshit.” An officer, identified by the investigation as Lieutenant Hinds, quickly walked over to § 87(2)(b) and grabbed his front shirt collar with two hands. § 87(2)(b) put an open palm in between § 87(2)(b) and Lieutenant Hinds and said, “You don’t need to do that. My son didn’t do anything.” Lieutenant Hinds told § 87(2)(b) “Say that word again.” No officer ever told either § 87(2)(b) or § 87(2)(b) that they needed to leave the stationhouse. A group of uniformed officers rushed over. Officers, who § 87(2)(b) could not describe, grabbed her arms, grabbed the arms of her coat, and pulled her away from § 87(2)(b). An officer bent down on the ground in front of § 87(2)(b) and forcibly pulled the bottom of § 87(2)(b)’s pants legs forward without touching her legs or feet, causing § 87(2)(b) to lose her balance and fall backwards. § 87(2)(b) did not state whether she fell to the ground (BR01).

Video footage from the 75th Precinct Stationhouse Lobby 1 (BR34) depicts § 87(2)(b) first entering the stationhouse at 18min55sec into the recording. At 28min, § 87(2)(b) and an individual identified as § 87(2)(b) are depicted speaking with three officers. At 28min22sec,

two of the officers move towards § 87(2)(b) and one of the officers, identified by the investigation as Lieutenant Hind, pushes § 87(2)(b) from the stationhouse lobby into the stationhouse vestibule, away from the camera. § 87(2)(b) Blackman also walks into the vestibule, and up to 28min33sec, her are making contact with the ground. At the same time, over 15 officers enter the vestibule area, and stand in a manner that obstructs the camera's view of § 87(2)(b) or the officers in the immediate vicinity of § 87(2)(b) and § 87(2)(b).

No officers interviewed testified to coming into any physical contact with § 87(2)(b) (BR04, 05, 19-23).

The NYPD provided BWC footage depicting officer interactions with civilians at the precinct stationhouse (BR13-BR17, summarized in BR52-BR55). BWC footage from Officer Narayan (BR14), Officer Solamito (BR15), Sergeant Charles Barhold (BR16), and PO Stephan Carr (BR17) were recorded in the stationhouse vestibule. However, none of the footage depicts § 87(2)(b) or any of the alleged force used against her.

§ 87(2)(g)

Allegation (J) Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds used physical force against § 87(2)(b)

Allegation (K) Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds hit § 87(2)(b) against a wall.

Allegation (L) Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds used physical force against § 87(2)(b)

Allegation (Q) Force: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds used physical force against § 87(2)(b)

It is undisputed that officers used force against § 87(2)(b) inside the 75th Precinct stationhouse.

§ 87(2)(g)

§ 87(2)(b) testified that inside the 75th Precinct stationhouse, after some conversation with police officers, § 87(2)(b) quietly said, "Oh my God, here we go with this bullshit." An officer, identified by the investigation as Lieutenant Hinds, quickly walked over to § 87(2)(b) and grabbed his front shirt collar with two hands. No officer told § 87(2)(b) that he had to leave the stationhouse.

§ 87(2)(b) testified that he told Lieutenant Hinds that he and his family were only trying to figure out if § 87(2)(b) could come home or not; this was the only thing he said to the officers. Lieutenant Hinds told § 87(2)(b) to "shut up" and that no one was talking to him. Lieutenant Hinds then said, "You know what? You gotta go. Get out." § 87(2)(b) turned toward the door with his back against the officers to leave the stationhouse. Before he could do so, Lieutenant Hinds grabbed the back of § 87(2)(b)'s neck with one hand and pushed his head against a wall, causing his forehead to make contact with the wall. § 87(2)(b) attempted to shake Lieutenant Hinds off of him by moving his arms up and down so he could exit the stationhouse but was unsuccessful. Lieutenant Hinds grabbed § 87(2)(b)'s arms and twisted them behind his back. Another officer, who § 87(2)(b) could only describe as a uniformed male officer, came and held § 87(2)(b)'s hands. § 87(2)(b) turned around and faced Lieutenant Hinds, in an attempt to get out of his grasp. Lieutenant Hinds then punched § 87(2)(b) in the face twice, with a closed fist, by his right cheek near his eye. § 87(2)(b) then fell

forward through the automatic door that separates the lobby from the vestibule. § 87(2)(b) landed on the ground on his stomach. Lieutenant Hinds went down to the ground with § 87(2)(b) so that his stomach was on § 87(2)(b)'s back. § 87(2)(b) suffered a laceration as a result of the force used against him. § 87(2)(b) alleged that after he was brought to the ground and multiple officers kicked him, Lieutenant Hinds grabbed § 87(2)(b)'s head and pushed it down to the floor; his "whole face" hit the ground when this happened (BR03).

Lieutenant Hinds stated that he entered the lobby of the 75th Precinct stationhouse, he observed § 87(2)(b) and § 87(2)(b)'s daughter standing near a door that leads to the desk area. Lieutenant Hinds observed § 87(2)(b) speaking with a uniformed officer in a conversation that he described as "heated." He was not able to be more specific about what § 87(2)(b) and the officer were saying to one another. Lieutenant Hinds testified that he instructed § 87(2)(b) to leave the stationhouse; he did not say what prompted him to remove § 87(2)(b) from the stationhouse. After he told § 87(2)(b) to leave, § 87(2)(b) became loud. Lieutenant Hinds approached § 87(2)(b) and began to attempt to physically remove him from the stationhouse. Lieutenant Hinds placed his hands on the sides of § 87(2)(b)'s shirt, at approximately chest height. He pulled on § 87(2)(b)'s shirt to get him to leave. Lieutenant Hinds' hands were in contact with § 87(2)(b)'s shirt and upper arms. No other officers assisted Lieutenant Hinds initially in attempting to remove § 87(2)(b) from the stationhouse at this point. Lieutenant Hinds maneuvered § 87(2)(b) to the vestibule area between the lobby and the exterior door, pushing and pulling § 87(2)(b) while § 87(2)(b) dropped his bodyweight and refused to comply with repeated instructions to leave. Lieutenant Hinds pushed § 87(2)(b) into the corner of the vestibule area. Lieutenant Hinds did testify that as a result of his struggle with § 87(2)(b) and his exertion of pressure against § 87(2)(b)'s arms, § 87(2)(b) was braced against a wall. Lieutenant Hinds did not recall if any other officers were in the vicinity at that point. Through this process, neither Lieutenant Hinds' hands nor body came into contact with § 87(2)(b)'s neck. Lieutenant Hinds did not punch § 87(2)(b) during the process of getting him on the ground. Officers conducted a forcible takedown of § 87(2)(b) by pushing and pulling him down by his arms, legs, and chest. Lieutenant Hinds restrained § 87(2)(b)'s arms. Lieutenant Hinds stated he did not punch § 87(2)(b) at any point (BR19).

In his testimony to the CCRB (BR21), Sgt. Hansson testified that in the lobby, he observed Lieutenant Hinds fighting with a civilian, identified by the investigation as § 87(2)(b). Lieutenant Hinds and § 87(2)(b) were fighting with their arms interlocked, with each one attempting to push the other's arms down and throwing, as Sgt. Hansson described it, "Half-punches," which he defined as short-motion attempted arm extensions with the apparent goal of striking the other individual. Sgt. Hansson did not recall if any of these punches struck the other combatant.

While Lieutenant Hinds signed off on TRI reports completed by other officers (BR18), there is no indication that he completed any TRI reports regarding the force that he used against § 87(2)(b). The report notes that § 87(2)(b) sustained pain and swelling to the face.

Surveillance video footage from the stationhouse captured the interaction with officers (BR34; summarized in BR57). At 28m23s into the stationhouse lobby video, Lieutenant Hinds, who is dressed in plainclothes, and a uniformed black male officer suddenly begin walking towards § 87(2)(b). § 87(2)(b) takes no physical actions prior to the officers moving toward him. § 87(2)(b) walks away from the officers. Lieutenant Hinds places his hands on § 87(2)(b)'s shoulders and moves him into the closed door. The door opens and Lieutenant Hinds and § 87(2)(b) walk through the door and into the vestibule. As § 87(2)(b) is pushed through the door, he turns his body to face Lieutenant Hinds. Lieutenant Hinds pushes § 87(2)(b) past

an open door leading out of the stationhouse and into a wall to the left of the vestibule. § 87(2)(b) and PO Brierre also walk out into the vestibule, followed shortly by multiple uniformed male officers. The officers congregate by the left side of the wall but, due to the number of officers present, the camera does not capture the specific physical activity is going on. There are at least 35 officers in the vestibule and the lobby.

Other officers' BWC cameras do not clearly capture Lieutenant Hinds' use of force in the lobby or vestibule area (BR08-BR17, summarized BR45-BR55; BR41-42, summarized BR57-BR59; and civilian video footage (BR28-29).

Sgt. Barhold's BWC depicts what appears to be a hand striking § 87(2)(b)'s face at 00:05 minutes into the recording. The identity of the individual who strikes § 87(2)(b) cannot be determine from this video as the camera is facing up from where it lays on the ground (BR16, summarized in BR55).

NYPD Patrol Guide 221-01 (BR68) governs NYPD use of force. It states: "Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. All members of the service at a police incident must use reasonable force, employ less lethal alternatives, and prioritize de-escalation, whenever possible." The guideline goes on to note that "When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of the service should consider the following:

- a) The nature and severity of the crime/circumstances,
- b) Actions taken by the subject [of the force],
- c) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- d) Whether the subject is actively resisting custody,
- e) Whether the subject is attempting to evade arrest by flight,
- f) Number of subjects in comparison to the number of members of service,
- g) Size, age, and condition of the subject in comparison to the member of service,
- h) Subject's violent history, if known,
- i) Presence of hostile crowd or agitators,
- j) Subject apparently under the influence of a stimulant / narcotic which would affect pain tolerance or increase the likelihood of violence

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The Patrol Guide also directs officers to “use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.” § 87(2)(g)

No one reports that § 87(2)(b) took any actions aside from engaging in a “heated” discussion or using discourteous language, and no physical actions are depicted in BWC footage. Lieutenant Hinds did not assert that § 87(2)(b) was under arrest at this point or that he intended to do anything other than remove § 87(2)(b) from the stationhouse. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (M) Force: Inside the 75th Precinct stationhouse, Sergeant Michael Hansson used physical force against § 87(2)(b)

§ 87(2)(b) alleged that officers stomped on his head, back, neck, legs, and feet with their feet (BR03).

Sgt. Hansson testified that in the lobby, he observed Lieutenant Hinds fighting with a civilian, identified by the investigation as § 87(2)(b). Lieutenant Hinds and § 87(2)(b) were fighting with their arms interlocked, with each one attempting to push the other's arms down and throwing, as Sgt. Hansson described it, "Half-punches," which he defined as short-motion attempted arm extensions with the apparent goal of striking the other individual. Sgt. Hansson did not recall if any of these punches struck the other combatant. Sgt. Hansson did not recall if any other officers were in the lobby at the time, or how many officers entered the lobby with him. Sgt. Hansson did not recall if other officers were engaged with § 87(2)(b) with Lieutenant Hinds. Sgt. Hansson moved forward to the area where Lieutenant Hinds and § 87(2)(b) were fighting. Sgt. Hansson grabbed § 87(2)(b) to attempt to prevent him from fighting Lieutenant Hinds and secure him in handcuffs. Sgt. Hansson did not recall if he used a hand or foot strike while engaging § 87(2)(b) but stated it was possible given the level of resistance § 87(2)(b) was exhibiting. Eventually, § 87(2)(b) and numerous officers, including Sgt. Hansson, fell to the ground. After officers took § 87(2)(b) to the ground, after § 87(2)(b) held his hands in front of his body while lying face-down, officers managed to placed § 87(2)(b) in handcuffs (BR21).

Lieutenant Hinds testified that he did not recall observing Sgt. Hansson use a hand or foot strike direct at § 87(2)(b) but acknowledged he signed a TRI prepared regarding this incident that stated that Sgt. Hansson had used a foot strike direct at § 87(2)(b) (BR19).

Sgt. Hansson's TRI, prepared by Lieutenant Hinds, states he used hand and foot strikes to overcome active resistance by § 87(2)(b) (BR18).

As discussed in Allegations J, K, L, and P, stationhouse video footage of the vestibule area did not clearly capture the interaction between officers and § 87(2)(b).

BWC footage from the physical interaction that occurred inside the vestibule area of the 75th Precinct stationhouse did not clearly capture the specific actions taken by individual officers engaged in that physical interaction (BR08-BR17, summarized BR45-BR55; BR41-42, summarized BR57-BR59).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)'s arrest report (BR66) notes that he was charged with § 87(2)(b)
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

As noted above, NYPD Patrol Guide 221-01 governs NYPD use of force.

§ 87(2)(g)

§ 87(2)(g)

Allegation (N) Force: Inside the 75th Precinct stationhouse, Police Officer Korey Brierre used physical force against § 87(2)(b)
Allegation (O) Force: Inside the 75th Precinct stationhouse, Police Officer Joseph Howard used physical force against § 87(2)(b)

§ 87(2)(g) it is undisputed that officers used force towards § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after Lieutenant Hinds took him to the ground, approximately twenty officers arrived. § 87(2)(b) could not describe any of the additional officers because there were too many of them to differentiate. While on the ground and handcuffed, multiple officers stomped on his head, back, neck, legs, and feet with their feet.

Threat, Resistance, and Injury reports generated regarding the physical struggle identify Sgt. Hansson, PO Howard, and PO Brierre as having been involved in the struggle inside the stationhouse. PO Howard and PO Brierre's TRIs state they used a physical takedown to overcome active resistance by § 87(2)(b) (BR18).

PO Brierre testified that Lt. Hinds approached § 87(2)(b) and tried to grab him by his arms but § 87(2)(b) placed his hands against his chest. PO Brierre approached § 87(2)(b) and also tried to handcuff him. § 87(2)(b) stiffened his body. At this point, the decision was made to arrest § 87(2)(b) for criminal trespass as he was refusing to leave the stationhouse. This was a collective decision; no one instructed PO Brierre to place § 87(2)(b) under arrest. PO Brierre attempted to grab § 87(2)(b)'s arms to handcuff him, but § 87(2)(b) stiffened his arms, preventing PO Brierre from grabbing them. PO Brierre then grabbed § 87(2)(b)'s legs, twisted his legs, and forcibly took him down on the ground. PO Brierre did not know how § 87(2)(b)

landed on the ground but stated that at some point, the physical interaction moved from the lobby of the stationhouse to the vestibule of the stationhouse. Other officers joined PO Brierre and Lt. Hinds in attempting to handcuff § 87(2)(b). The officers handcuffed § 87(2)(b) while he was on the floor (BR04). He was shown stationhouse footage of the lobby from 27:12 minutes in the recording to 28:43 minutes in the recording. PO Brierre stated that at this point, § 87(2)(b) had his hands in fists against his chest. PO Brierre could not tell if § 87(2)(b) was on the ground and could not tell if he had employed the forcible takedown against § 87(2)(b) at this point in the video.

When PO Howard entered the lobby, he observed officers engaging § 87(2)(b) identified by the investigation. Officers were in physical contact with § 87(2)(b). PO Howard did not recall how many officers were in physical contact with § 87(2)(b) and did not recall if any other civilians were in the lobby area. § 87(2)(b) was screaming and attempting to prevent officers from placing him in cuffs. PO Howard saw a struggle, but he was not able to be more specific regarding what physical actions § 87(2)(b) was taking to resist arrest. Officers were issuing § 87(2)(b) instructions, but PO Howard did not recall what specific instructions officers were issuing § 87(2)(b). PO Howard did not recall if § 87(2)(b) was standing or on the ground when he first observed him. PO Howard did not recall observing officers use hand or foot strikes towards § 87(2)(b) at this time. PO Howard did not recall observing any part of any officer's body come into contact with § 87(2)(b)'s neck at the time he first observed § 87(2)(b) struggling with officers. Immediately upon observing officers struggling with § 87(2)(b), PO Howard moved towards the struggle to assist the officers. PO Howard grabbed one of § 87(2)(b)'s arms, pulled it behind his back, and placed it in a handcuff. Eventually officers managed to get § 87(2)(b)'s other hand into a handcuff. PO Howard did not recall taking any other physical action at this time and did not recall if he assisted officers in taking § 87(2)(b) to the ground. PO Howard reviewed the TRI he prepared regarding his use of force in this incident. PO Howard stated he filled out the TRI because his handcuffs had been used to secure § 87(2)(b) and that he did not specifically recall engaging in the physical takedown of § 87(2)(b). PO Howard acknowledged the TRI stated he conducted a physical takedown of § 87(2)(b) (BR20).

Stationhouse footage from the lobby captures the beginning of the physical interaction between officers and § 87(2)(b). As discussed above, the video shows Lt. Hinds walk § 87(2)(b) through the door and places him against the left door in the vestibule, followed by § 87(2)(b) an unidentified uniformed black male officer, PO Brierre, and multiple uniformed male officers. However, due to the volume of officers in the vestibule and the position of the camera, the video does not capture what occurs. At 29:32 minutes into the recording, officers are clearly moving within the vestibule but the specific physical actions they are taking cannot be determined. At 30:22 minutes into the recording, a white male uniformed officer walks into the lobby, holding § 87(2)(b) by the back of his hooded sweatshirt and his right arm. Lieutenant Hinds is right behind the uniformed male officer (BR34).

Sgt. Barhold's BWC depicts what appears to be a hand striking § 87(2)(b)'s face at 00:05 minutes into the record. The identity of the individual who strikes § 87(2)(b) cannot be determined from this video as the camera is facing up from where it lays on the ground (BR16, summarized in BR55).

As noted above, NYPD Patrol Guide 221-01 governs NYPD use of force.

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)

[REDACTED]

Allegation (P) Force: Inside the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)

As noted above, Sgt. Barhold's BWC depicts what appears to be a hand striking § 87(2)(b)'s face at 00:05 minutes into the record. The identity of the individual who strikes § 87(2)(b) cannot be determine from this video as the camera is facing up from where it lays on the ground (BR16, summarized in BR55).

None of the interviewed officers affirmed that they performed this action, and as discussed above, other video footage did not clearly depict the officer who performed this action or the actions of § 87(2)(b) at the moment he was struck.

§ 87(2)(g)

[REDACTED]

Allegation (R) Force: Outside of the 75th Precinct stationhouse, Police Officer Neil Narayan used physical force against § 87(2)(b)

§ 87(2)(b) made this allegation in the course of his initial complaint to the CCRB. § 87(2)(b) did not provide a sworn statement to the CCRB after stating over the phone he was not interested in an investigation. In his initial statement, § 87(2)(b) stated he was outside trying to get information on why his sister § 87(2)(b) was arrested. § 87(2)(b) began screaming and officers from the 75th Precinct exited the station and surrounded them. PO Lawson pushed § 87(2)(b) back while he was trying to walk away from the incident (BR39).

§ 87(2)(b)'s testimony did not include allegations of physical force directed towards § 87(2)(b) (BR01).

In PO Narayan's BWC (BR14, summarized BR53), at 00m28s PO Narayan is depicted exiting the stationhouse onto the street. At 00m40s a black male in a red and black hooded sweatshirt – identified by the investigation as § 87(2)(b) – approaches near PO Narayan. PO Narayan tells him to back up. § 87(2)(b) says, "That's my little sister and you're telling me to back up?" PO Narayan and another male officer who is not captured by the video say, "Back up." § 87(2)(b) does not move. At 00m50s, § 87(2)(b) says, "Alright, don't touch me." PO Narayan's hand reaches out, touches the front of § 87(2)(b)'s chest, and pushes him backwards. § 87(2)(b) is pushed approximately two feet. Later in the video, civilians comply with officers' instructions to move. Civilians move backwards across the street between 1m20s and the end of the video.

Exterior video footage from 75th Precinct stationhouse shows at 29:25 minutes shows § 87(2)(b)

§ 87(2)(b) a black male dressed in a red and black hooded sweatshirt walking by the side of an NYPD van. § 87(2)(b) speaks with three to four visible uniformed officers. A male officer with dark skin complexion moves towards § 87(2)(b) and § 87(2)(b) moves backwards as this occurs; the video does not capture physical contact between the officer and § 87(2)(b) (BR16, summarized BR59).

In his testimony to the CCRB, PO Narayan stated that civilians had to be moved from in front of the stationhouse because they were blocking the sidewalk and obstructing traffic. PO Narayan stated both that civilians had been obstructing the sidewalk and that when he exited the stationhouse civilians were not on the sidewalk and that he did not know if civilians were ever on the sidewalk. PO Narayan also stated that civilians were obstructing traffic outside the stationhouse, and that they needed to be moved across the street to prevent them from obstructing traffic. He instructed the civilians to move across the street. Initially the civilians did not obey these instructions. PO Narayan stated it was possible he touched the person in front of him to guide that person where to go. This was distinct from pushing a civilian by extending his hand into a civilian. PO Narayan did not recall pushing anyone in front of the stationhouse. PO Narayan did not recall which officers were around him when he engaged the civilians in front of the stationhouse. Other than himself, PO Narayan did not recall any other officer coming into physical contact with civilians in front of the stationhouse. The civilian PO Narayan may have come into physical contact with did not resist PO Narayan's physical contact to guide them away. After reviewing his BWC footage, PO Narayan did not amend his testimony (BR61).

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§ 87(2)(b)

As stated above, NYPD Patrol Guide Procedure 221-01 enumerates factors to analyze the overall reasonableness of the use of force by an officer (BR68).

§ 87(2)(g)
§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)

Allegation (S) Abuse of Authority: Outside the 75th Precinct stationhouse, Police Officer Keon Lawson threatened to arrest § 87(2)(b)

§ 87(2)(b) testified after she exited the stationhouse, an officer identified by the investigation as PO Lawson then came outside, went across the street to where § 87(2)(b) was standing and told her that § 87(2)(b) was going to be arrested. PO Lawson was the only officer around for this conversation. PO Lawson told § 87(2)(b) that § 87(2)(b) was going to be arrested for trespassing and because he had four open warrants. An ambulance that said "§ 87(2)(b)"

parked in front of the sidewalk. Other officers brought § 87(2)(b) who had a lump on his forehead, outside and ambulance personnel placed § 87(2)(b) inside the ambulance. § 87(2)(b) continuously asked, “What happened?,” but the officers ignored her. § 87(2)(b) approached the ambulance to attempt to find out what was going on. An officer, who § 87(2)(b) could not describe in any respect, told § 87(2)(b) “Back up. Back up. If you don’t back up, you’re going to get arrested.” § 87(2)(b) was approximately eight feet away from the ambulance when the officer made that remark (BR01). The investigation did not obtain a statement from § 87(2)(b).

PO Lawson did not recall if he exited the stationhouse. He did not recall observing officers interacting with anyone outside the stationhouse. PO Lawson did not recall what if any statements any officers made outside the stationhouse. He did not recall interacting with any civilians outside the stationhouse, if he made any statements outside the stationhouse, or took any action outside the stationhouse (BR23).

Exterior video evidence from the stationhouse did not contain audio (BR16, summarized BR59), and none of the other footage obtained by the investigation depicts this interaction.

§ 87(2)(g)

Allegation (T) Abuse of Authority: Inside the 75th Precinct stationhouse, Police Officer Keon Lawson threatened to arrest § 87(2)(b)

After the interactions outside, § 87(2)(b) went into the stationhouse and spoke with PO Lawson, who was standing behind the glass partition. § 87(2)(b) was also in the stationhouse. § 87(2)(b) asked PO Lawson what happened with her son § 87(2)(b). PO Lawson said that there had been an accident and that § 87(2)(b) “must have fell.” § 87(2)(b) was upset at this and told the officer that she did not believe that he fell. PO Lawson told § 87(2)(b) that she was “causing a scene” and that if she did not leave the stationhouse, she would be arrested (BR01).

PO Lawson testified to the CCRB (BR23) that after § 87(2)(b) was arrested in the stationhouse lobby, he returned to an arrest he had been processing before § 87(2)(b)’s apprehension. He stated that he did not recall that any civilians entered the stationhouse made before did not testify to having any interactions with civilians outside the stationhouse. PO Lawson informed the CCRB that he was on administrative duty at the time of incident and therefore did not have his BWC on his person.

Sgt. Deschamps, PO Brierre, Lieutenant Hinds, PO Howard, and Sgt. Hansson did not testify to observing this occur (BR04, 05, 19-22).

Stationhouse footage recovered by the investigation continues for 30 minutes after § 87(2)(b) is removed from the stationhouse but it does not depict § 87(2)(b) returning to the stationhouse after this time. Additionally, the stationhouse footage does not contain audio (BR34, B40).

§ 87(2)(g)

Allegation (U) Discourtesy: Outside the 75th Precinct stationhouse, Lieutenant Dion Hinds spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that an officer identified by the investigation as Lieutenant Hinds walked toward § 87(2)(b) and said, “I don’t give a fuck! I don’t give a fuck!” Other officers then put their hands on Lieutenant Hinds and walked him back inside. § 87(2)(b) came to where § 87(2)(b) was standing at around this point (BR01).

Lieutenant Hinds did not specifically recall speaking with § 87(2)(b) in the stationhouse. Lieutenant Hinds denied saying, “I don’t give a fuck,” to § 87(2)(b) and did not hear any officer say that to § 87(2)(b) (BR19).

PO Howard, Sgt. Hansson, PO Lawson, PO Carr did not recall any officer, and specifically Lieutenant Hinds, making the statement, “I don’t give a fuck,” directed towards any civilian.

Stationhouse footage recovered by the investigation continues for 30 minutes after § 87(2)(b) is removed from the stationhouse but it does not depict § 87(2)(b) returning to the stationhouse after this time. Additionally, the stationhouse footage does not contain audio (BR34, B40).

BWC footage did not appear to capture this interaction.

§ 87(2)(g)

Allegation (V) Offensive Language: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (W) Discourtesy: Inside the 75th Precinct stationhouse, Lieutenant Dion Hinds spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that before he was removed to the hospital, he did not want to walk to the cell and dragged his feet when the officers tried to walk him to the cells. Lieutenant Hinds and other officers carried § 87(2)(b) to the cells. Lieutenant Hinds told § 87(2)(b) “Shut up, bitch” while carrying § 87(2)(b) (BR03).

Lieutenant Hinds testified he did not recall being present for § 87(2)(b)’s arrest processing or escort to the cell area. Lieutenant Hinds denied saying, “Shut up, bitch,” or using the term “Bitch,” at all, or specifically directed at § 87(2)(b). Lieutenant Hinds did not recall any officer using the word “Bitch.” Lieutenant Hinds did not recall any other officer using the term “Bitch” at any point throughout the interaction (BR19).

PO Brierre, PO Lawson, PO Howard, Sgt. Deschamps, PO Carr consistently testified they did not recall any officer using the term “Bitch,” at any point throughout the interaction.

This interaction is not captured in video evidence (BR08-BR17, BR34, BR40-BR42). Additionally, stationhouse footage does not contain audio.

§ 87(2)(g)

§ 87(2)(g)

Allegation (X) Discourtesy: Inside the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that inside the 75th Precinct stationhouse, an unidentified officer came inside the room and asked § 87(2)(b) what she was there for. § 87(2)(b) stated that she was there because she threw a cup. The officer laughed and said, “That was a dumbass move. You’re trying to be slick.” § 87(2)(b) described this officer as in wearing a black male wearing plainclothes she did not describe, with dark skin, wavy hair, a medium build, 5’6” tall, in his mid-20s, with no facial hair.

PO Howard, Sgt. Hansson, PO Lawson, PO Carr, and Lieutenant Hinds all testified they did not recall any officer stating, “That was a dumbass move,” BR19-23). PO Brierre and Sgt. Deschamps did not testify to this statement but stated that they did not recall officers using profanity directed at any civilians inside the 75th Precinct stationhouse (BR04, BR05).

The investigation did not recover video footage regarding this portion of the incident.

The investigation did not receive documents regarding all persons present inside the stationhouse at the time this allegation occurred. § 87(2)(g)

§ 87(2)(g)

Allegation (Y) Abuse of Authority: Inside the 75th Precinct stationhouse, an officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that inside the stationhouse, after she was released to § 87(2)(b) an officer § 87(2)(b) described as a white male in plainclothes with a chubby build, gray sweatshirt, dark blue jeans, bald, light brown small mustache who was standing behind the front desk of the downstairs of the stationhouse told § 87(2)(b) “If I ever catch your daughter so much as screaming in the street, she’s going to be arrested.” § 87(2)(b) was then released without receiving a summons or a desk appearance ticket (BR02).

§ 87(2)(b) did not testify that this occurred.

§ 87(2)(g)

Documents were not received regarding this allegation – specifically, no command log, roll call, or other documents regarding the desk officer at the time of § 87(2)(b) s release were received by the investigation. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR24).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR38).
- § 87(2)(b) has been the party to two CCRB complaints and two allegations (BR38).
- § 87(2)(b) has been party to two CCRB complaints and ten allegations (BR38).
- This is the first CCRB complaint to which § 87(2)(b) has been a part (BR38).
- § 87(2)(b) has been a party to three CCRB complaints and three allegations (BR38).
- PO Korey Bierre has been a member-of-service for five years and has been the subject of four CCRB complaints and six allegations, none of which have been substantiated. § 87(2)(g)
- PO Jean Princeton has been a member-of-service for eight years and has been the subject of five CCRB complaints and seven allegations, of which one was substantiated.
 - 201702102 involved a substantiated allegation of abuse of authority – frisk. The Board recommended formalized training and the NYPD imposed formalized training.
 - § 87(2)(g)
- PO Keon Lawson has been a member-of-service for three years and has been the subject of two CCRB complaints and four allegations, none of which have been substantiated. § 87(2)(g)
- Sgt. Jose Deschamps has been a member-of-service for 18 years and has been the subject of 12 CCRB complaints and 23 allegations, of which one was substantiated.
 - 201403590 involved a substantiated allegation of abuse of authority – refusal to process a civilian complaint. The Board recommended APU charges. The NYPD dismissed the APU charges and imposed command discipline A.
 - § 87(2)(g)

- PO Stephan Carr has been a member-of-service for ten years and has been the subject of 12 CCRB complaints and 21 allegations, of which three were substantiated.
 - 201609781 involved substantiated allegations of abuse of authority – retaliatory summons and vehicle stop. The Board recommended command discipline A and the NYPD imposed command discipline A.
 - 201900776 involved a substantiated allegation of abuse of authority – refusal to process a civilian complaint. The Board recommended formalized training and the NYPD imposed instructions.
- Sgt. Michael Hannson has been a member-of-service for ten years and has been the subject of 15 CCRB complaints and 33 allegations, of which four have been substantiated.
 - 201201649 involved a substantiated allegation of discourtesy. The Board recommended charges, but the NYPD did not impose discipline.
 - 201900776 involved a substantiated allegation of abuse of authority – refusal to process a civilian complaint. The Board recommended formalized training and the NYPD imposed instructions.
 - 201902877 involved substantiated complaints of abuse of authority – failure to provide a RTKA card and stop. The Board recommended command discipline B; the NYPD has not yet imposed discipline.
- PO Joseph Howard has been a member-of-service for five years and has been the subject of four CCRB complaints and eight allegations, none of which have been substantiated. [REDACTED] § 87(2)(g)
- Lieutenant Hinds has been a member-of-service for 16 years and has been the subject of four CCRB complaints and 11 allegations, none of which were substantiated. [REDACTED] § 87(2)(g)
- PO Neil Narayan has been a member-of-service for two years and has been the subject of two CCRB complaints and five allegations, none of which were substantiated. [REDACTED] § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- As of February 19, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR60).

Squad No.: 12

Investigator:	<u>Zachary Herman</u> Signature	<u>Inv. Zachary Herman</u> Print Title & Name	<u>04/05/2021</u> Date
Squad Leader:	<u>Carlmais Johnson</u> Signature	<u>IM Carlmais Johnson</u> Print Title & Name	<u>September 28, 2021</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date